

**Enrolled Minutes of the Forty-Fifth Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, November 09, 2009**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, November 09, 2009 at 6:30 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Konnie Kuiper, Brian Novak and Dan Vassar were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed the public sale and disposal of the surplus personal property of the unit that had taken place on Saturday, November 7, 2009.

The study session ended at 7:00 O'clock P.M.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, November 09, 2009 at 7:02 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Dan Vassar presided and the Town Clerk-Treasurer Michael W. Griffin was present to memorialize the proceedings.

The session was opened with Councilor Konnie Kuiper leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Councilors Bernie Zemen, Mark Herak, Brian Novak, Konnie Kuiper and Dan Vassar were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Council Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; William R. Timmer, CFOD, Fire Chief; Kenneth J. Mika, Building Commissioner; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; and Cecile Petro, Redevelopment Director were present.

Ed Dabrowski of the Park and Recreation Board; Mark Roorda and Dan Stombaugh of the Town Board of Metropolitan Police Commissioners were also present.

Robin Carlascio, Editor of the Municipal newsletter was also present.

Minutes of the Previous Session

The minutes of the regular meeting of October 26, 2009 were approved by general consent.

Staff Reports: The Council received the following reports as information for the record:

• **Building & Inspection Report for October 2009**

Permit Type	No.	Residential	Commercial	Est. Cost	Fees
Single Family	1	1	0	\$159,000.00	\$1,981.00
Duplex/Condo	0	0	0	\$0.00	\$0.00
Commercial	0	0	0	\$0.00	\$0.00
Residential	99	99	0	\$697,445.00	\$12,356.50
Addit/Remodel					
Commercial	9	0	9	\$488,889.00	\$7,369.50
Addit/Remodel					
Schools/Church	0	0	0	\$0.00	\$0.00
remodel/addtn.					
Sheds	2	2	0	\$2,300.00	\$217.00
Fences	5	5	0	\$34,610.00	\$438.00
Garage	1	1	0	\$15,780.00	\$371.50
Decks & Porches	3	3	0	\$10,189.00	\$598.00
Swimming Pools	0	0	0	\$0.00	\$0.00
Misc. Permits	7	7	0	\$45,405.00	\$962.00
Misc. other	0	0	0	\$0.00	\$0.00
Signs	7	0	7	\$16,515.00	\$1,712.00
Fire Repair	0	0	0	\$0.00	\$0.00
Total:	134	118	16	\$1,470,133.00	\$26,006.50
Electrical Permits	18	13	5		\$2,666.00
Mechanical Permits	9	7	2	0	\$808.50
Plumbing Permits	19	16	3		\$1,834.00
Water Meters	0	0	0		\$0.00
Water Taps	0	0	0		\$0.00
Sewer Taps	0	0	0		\$0.00
Total:	19	16	3		\$1,834.00

October Code Enforcement: 166 warnings issued and 8 citations were issued.

There were 43 final building inspections, 13 plumbing inspections, and 34 electrical inspections. There was one electrical exam given.

• **Fire Department Report for October 2009**

It was not available owing to a staff vacancy.

• **Workplace Safety Report for October 2009**

There were two incidents reported in the month. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2009	Total in 2008	Restricted Days 2009	Lost Workdays This Year	Restricted Days Last Year (2008)	Lost Workdays Last Year (2008)
Parks	0	2	3	0	0	0	0
Fire	0	0	1	0	0	0	0
Police	3	7	8	0	0	0	21
Street	1	3	6	0	0	3	2
Water & Sewer	0	2	6	0	82	0	0
Maint.	0	0	0	0	0	0	0
Other	0	0	1	0	0	0	0
TOTALS	4	14	25	0	82	3	23

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

1. **Resolution No. 2009-53:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Parks and Recreation (General) Operating Fund as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2009-53. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2009-53**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the PARK and RECREATION OPERATING FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Park and Recreation Operating Fund;**

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Park and Recreation Operating Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy the existing need of a 27th payroll within the current fiscal year and the need to satisfy this need, as follows:

PARK and RECREATION (GENERAL) OPERATING FUND

Reduce Account:

#386.00 Park Recreation Services	<u>\$8,200.00</u>
<i>Total 300 Series Reductions</i>	\$8,200.00

Increase Accounts:

#111.05 Park Clerks Salaries	\$2,700.00
#111.27 Park Superintendent Salary	\$1,000.00
#111.36 Park Dir/Rec. Asst. Wages	\$1,500.00
#112.01 Park Social Security/Medicare	\$1,000.00
#112.10 Park PERF Annuity	<u>\$2,000.00</u>
<i>Total 100 Series Increases</i>	\$8,200.00

Total of All Fund Decreases: \$8,200.00

Total of All Fund Increases: \$8,200.00

DULY RESOLVED and ADOPTED this 9th Day of November 2009 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Resolution No. 2009-54:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Law Enforcement Continuing Education Fund as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6.

Councilor Kuiper moved the passage and adoption of Resolution No. 2009-54. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2009-54**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the LAW ENFORCEMENT CONTINUING EDUCATION FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Law Enforcement Continuing Education Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Law Enforcement Continuing Education Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

LAW ENFORCEMENT CONTINUING EDUCATION FUND

Reduce Account:	#370.01 Equipment Lease	<u>\$338.00</u>
	<i>Total 300 Series Reductions</i>	\$338.00

Increase Account:	#430.05 Other Equipment	<u>\$338.00</u>
	<i>Total 400 Series Increases</i>	\$338.00

Total of All Fund Decreases:	\$338.00
Total of All Fund Increases:	\$338.00

DULY RESOLVED and ADOPTED this 9th Day of November 2009 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Proposed Ordinance No. 1439:** An Ordinance to Amend the Highland Municipal Code and Authorize and Establish Two New Special Funds to be called the Special Public Safety Fund and the Special Sanitary District Public Safety Fund, pursuant to IC 36-1-3 et seq..

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Ordinance No. 1439. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Ordinance No. 1439. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE NO. 1439
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE TO AMEND THE HIGHLAND MUNICIPAL CODE AND AUTHORIZE AND ESTABLISH TWO NEW SPECIAL FUNDS TO BE CALLED THE SPECIAL PUBLIC SAFETY FUND AND THE SPECIAL SANITARY DISTRICT PUBLIC SAFETY FUND, PURSUANT TO IC 36-1-3 ET SEQ.

WHEREAS, The Town Council is the fiscal body of the Town of Highland;

WHEREAS, IC 36-5-2-9 provides that the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, IC 36-1-3-4 provides that the powers units have under IC 36-1-3-4(b)(1) are listed in various statutes, further noting that these statutes do not list the powers that units have under IC 36-1-3-4 (b)(2); therefore, the omission of a power from such a list does not imply that units lack that power; and

WHEREAS, IC 36-1-3-4 further provides that a unit has all powers granted it by statute as well as all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, The Town has received a special distribution authorized by Section 477 of Public Law 182-2009 (ss), and an action of the Lake County Council for the Civil Town in the amount of \$126,703, and the proceeds may only be used for public safety purposes;

WHEREAS, The Town has received a special distribution authorized by Section 477 of Public Law 182-2009 (ss), and an action of the Lake County Council for the Town of Highland Sanitary District in the amount of \$3,143 and the proceeds may only be used for public safety purposes;

WHEREAS, The Town Council has determined that it would be desirable to establish a special fund or funds and to allow the fund or funds to be used for public safety purposes; and

WHEREAS, The Town Council has determined that it is necessary, desirable and of great public benefit, to establish the fund herein referenced to support and carryout the lawful public purposes of the municipality; and

WHEREAS, It would be and is in the best interest of the Town of Highland to enact an ordinance as an amendment to the Highland Municipal Code in order to further perfect the operation of the Town;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. The Highland Municipal Code is hereby amended by adding a new Chapter or Subchapter, as the Clerk-Treasurer may direct, to be numbered ____ and to be entitled: Special Public Safety Fund, which shall read as follows:

SPECIAL PUBLIC SAFETY FUND

§ XXX.01 ESTABLISHMENT

(A) There is hereby authorized, created and established a fund of the Town of Highland, to be called the *Special Public Safety Fund*, pursuant to IC 36-1-3 et seq., and Section 477 of Public Law 182-2009 (ss).

(B) The *Special Public Safety Fund* is dedicated and established for accumulating funds to provide resources to support lawful purposes of the municipality, and public safety purposes as are identified in this subchapter.

(C) The sources of funding for the *Special Public Safety Fund* includes the following:

1. The particular distribution transferred from the dormant county welfare funds, by the Lake County Council and distributed pursuant to provisions set forth in Section 477 of Public Law 182-2009 (ss).
2. Interest earned from the investment of moneys on deposit to the credit of the fund, provided such investments are conducted pursuant to I.C. 5-13-9 et seq.;

(D) The *Special Public Safety Fund* is subject to the same appropriation process as other funds of the municipality that receive tax money.

(E) The *Special Public Safety Fund* is established and remains in effect until such time as all the cash on deposit to the fund is expended or until the fund is repealed or rescinded by action of the Town Council, whichever comes first.

§ XXX.02 PURPOSES, USES and PERMISSIBLE EXPENDITURES

(A) Expenditures from the *Special Public Safety Fund* shall only be used for the following purposes:

1. To pay expenses related to public safety purposes, all pursuant to Section 477 of Public Law 182-2009 (ss);
2. To pay the deductibles on insurance not already provided for in other funds of the municipality, provided it is for public safety purposes;
3. To pay monetary settlements, damages or claims in consequence of a legal cause of action, provided it is related to public safety purposes;
4. To purchase gasoline and oil for the operation of motorized vehicles used for public safety purposes;
5. To purchase equipment, motor vehicles, special purpose vehicles, and accessories for such vehicles that are used for public safety purposes;
6. To pay expenses related to maintenance and repairs of the emergency and weather warning siren system of the Town;
7. To pay such other expenses for acquisition or related costs for, property (real or personal) or for such other goods and services as may be identified from time to time, for which an appropriation has been approved and possesses or is related to a public safety purpose.

§ XXX.03 EXPENDITURE UPON APPROPRIATION

Expenditures from the *Special Public Safety Fund* may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the legislative body, all pursuant to IC 5-11-10 and IC 36-5-4.

§ XXX.04 INVESTMENTS AUTHORIZED

Money in the *Special Public Safety Fund* may be invested provided that the yields from the purchase and sale of any such investments shall be deposited with the fund pursuant to IC 5-13-9 and Chapter 36 of the Highland Municipal Code.

§ XXX.05 PRESERVATION and DISPOSITION OF FUND ASSETS

(A) All unused and unencumbered cash on deposit to the credit of the *Special Public Safety Fund* does not revert to the corporation general fund nor to any other fund but shall remain with the *Special Public Safety Fund* until such time as all the cash on deposit to the fund is expended or until the fund is repealed or rescinded by action of the Town Council, whichever comes first.

(B) Unless otherwise provided by ordinance, if all cash on deposit to the fund is expended, the municipal fiscal officer shall be authorized to retire the fund, following completion of the required audit by the State Board of Accounts.

Section 2 The Highland Municipal Code is hereby amended by adding a new subchapter to be numbered § 170.90 through §170.94 and to be entitled: *Special Sanitary District Public Safety Fund*, which shall read as follows:

SPECIAL SANITARY DISTRICT PUBLIC SAFETY FUND

§ 170.90 ESTABLISHMENT

(A) There is hereby authorized, created and established a fund of the Department of Public Sanitation and its Sanitary District of the Town of Highland, to be called the *Special Sanitary District Public Safety Fund*, pursuant to IC 36-1-3 et seq., IC 36-9-25 et seq., and Section 477 of Public Law 182-2009 (ss).

(B) The *Special Sanitary District Public Safety Fund* is dedicated and established for accumulating funds to provide resources to support lawful purposes of the municipality, and public safety purposes as are identified in this subchapter.

(C) The sources of funding for the *Special Sanitary District Public Safety Fund* includes the following:

1. The particular distribution transferred from the dormant county welfare funds, by the Lake County Council and distributed pursuant to provisions set forth in Section 477 of Public Law 182-2009 (ss).
2. Interest earned from the investment of moneys on deposit to the credit of the fund, provided such investments are conducted pursuant to I.C. 5-13-9 et seq.;

(D) The *Special Sanitary District Public Safety Fund* is subject to the same appropriation process as other funds of the municipality that receive tax money.

(E) The *Special Sanitary District Public Safety Fund* is established and remains in effect until such time as all the cash on deposit to the fund is expended or until the fund is repealed or rescinded by action of the Town Council, whichever comes first.

§ 170.91 PURPOSES, USES and PERMISSIBLE EXPENDITURES

(A) Expenditures from the *Special Sanitary District Public Safety Fund* shall only be used for the following purposes:

1. To pay expenses related to public safety purposes, all pursuant to Section 477 of Public Law 182-2009 (ss);
2. To purchase of gasoline and oil for the operation of motorized vehicles used for public safety purposes;
3. To purchase equipment, motor vehicles, special purpose vehicles, and accessories for such vehicles that are used for public safety purposes;
4. To pay such other expenses for acquisition or related costs for, property (real or personal) or for such other goods and services as may be identified from time to time, for which an appropriation has been approved and that possesses or is related to a public safety purpose.

§ 170.92 EXPENDITURE UPON APPROPRIATION

Expenditures from the *Special Sanitary District Public Safety Fund* may be made only upon appropriation by the Board of Sanitary Commissioners for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the Board of Sanitary Commissioners, all pursuant to IC 5-11-10 and IC 36-9-25.

§ 170.93 INVESTMENTS AUTHORIZED

Money in the *Special Sanitary District Public Safety Fund* may be invested provided that the yields from the purchase and sale of any such investments shall be deposited with the fund pursuant to IC 5-13-9 and Chapter 36 of the Highland Municipal Code.

§ 170.94 PRESERVATION and DISPOSITION OF FUND ASSETS

(A) All unused and unencumbered cash on deposit to the credit of the *Special Sanitary District Public Safety Fund* does not revert to the corporation general fund nor to any other fund of the municipality or the Sanitary District but shall remain with the *Special Sanitary District Public Safety Fund* until such time as all the cash on deposit to the fund is expended or until the fund is repealed or rescinded by ordinance of the Town Council, whichever comes first.

(B) Unless otherwise provided by ordinance, if all cash on deposit to the fund is expended, the municipal fiscal officer shall be authorized to retire and abolish the fund, following completion of the required audit by the State Board of Accounts.

Section 3. That the provisions provided in Ordinance No. 1356 and restated in Ordinance No. 1408, which particularly provide the following are still in full force and effect:

(A) That following passage and adoption of this ordinance the distribution authorized by Section 477 of Public Law 182-2009 (ss) and received by the Civil Town in the amount of **\$126,703** shall be transferred from the fund to which it was receipted and then deposited to the credit of the **Special Public Safety Fund created by this Ordinance**, where it may be spent according to the provisions governing the fund; and

(B) That following passage and adoption of this ordinance the distribution authorized by Section 477 of Public Law 182-2009 (ss) and received by the Sanitary District in the amount of **\$3,143** shall be transferred from the fund to which it was receipted and then deposited to the credit of the **Special Sanitary District Public Safety Fund created by this Ordinance**, where it may be spent according to the provisions governing the fund;

Section 4. That any and all such ordinances in conflict with the provisions of this ordinance, are hereby repealed and are of no further force or effect. The Clerk-Treasurer shall be authorized to assign appropriate section numbers in support of the codification of the particular provisions ordinance, where necessary.

Section 5. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 9th day of November 2009. Consideration on same day or at same meeting of introduction attained 5 votes in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 9th day of November 2009 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

ATTEST:

**Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)**

4. **Proposed Ordinance No. 1440:** An Ordinance to acknowledging that 27 pays rather than the usual 26 will be incurred in Calendar Year 2009, further acknowledging that there is no pay increase in fact but authorizing and fixing by an elective one-time adjustment to the base pay of a First Class Patrolman, for FY 2009.

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Ordinance No. 1440. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Ordinance No. 1440. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE No. 1440
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to ACKNOWLEDGE THAT 27 PAYS RATHER THAN THE USUAL 26 WILL BE INCURRED IN CALENDAR YEAR 2009, FURTHER THAT THERE IS NO PAY INCREASE IN FACT BUT AUTHORIZING AND FIXING BY AN ELECTIVE ONE-TIME ADJUSTMENT TO THE BASE PAY OF A FIRST CLASS PATROLMAN, FOR FY 2009.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-8-9-4 (b) still further provides in pertinent part that the town legislative body shall determine the compensation to be paid to members of the police department in amounts that are just and reasonable;

WHEREAS, The Town Fiscal Officer has advised that based upon the circumstances and operation of the calendar, the first payday for FY 2010, falls on January 1, and has determined to move that payday to December 31, 2009, under the authority granted by IC 36-5-6-6 (a)(4) which provides that the Clerk-Treasurer has the authority to determine the manner of payment of officers, employees and creditors as well as the Compensation and Benefits ordinance under Section §4.09.03, which expressly provides that if a payday falls on a holiday, the Clerk-Treasurer shall determine the payday;

WHEREAS, The Town Fiscal Officer has further advised that based upon the forgoing, the Pension

Secretary has asserted that the added pay constitutes a change to the base pay of a first class patrolman as defined in IC 36-8-1-11 and thereby modified the pension benefit to retirees under IC 36-8-6-9 and IC 36-8-8-10;

WHEREAS, The Town Fiscal Officer has still further advised that based upon his inquiry, it is not clear whether or not the Town is obligated to understand that the unusual event of incurring a 27th payday alters the base, but has further recommended that the Town Council electively authorize the change provided the change is fundable, as a few neighboring communities have done so; and

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to act on the recommendation of the Clerk-Treasurer,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Town Council takes legislative notice of the following:

(A) That the municipality will experience and incur 27 paydays within the calendar year, instead of the usual 26 in 2009;

(B) That IC 36-8-1-11 (a) reads in pertinent part: "*Salary of a first class patrolman ... means the base salary of a patrolman plus all longevity increases, if provided by the employer, for service of twenty (20) years or less but does not include remuneration or allowances for fringe benefits, incentive pay, holiday pay, insurance, clothing, automobiles, firearms, education, overtime, or compensatory time off;*"

(C) That the current salary for a first class patrol officer for FY 2009 has been calculated as \$52,364 which is comprised of the annualized calculation of the bi-weekly pay of \$1,974 and the Town's longevity benefit for 20 years of service which is a bi-weekly amount of \$40 annualized as \$1,040;

(D) That if the Council so elects to acknowledge the 27th payday falling within the current calendar year as a basis for modifying the base pay of a first class patrol officer salary, the salary for a first class patrol officer for FY 2009 would then be calculated as \$54,378 which is comprised of the annualized calculation of the bi-weekly pay of \$1,974 and the Town's longevity benefit for 20 years of service which is a bi-weekly amount of \$40 annualized as \$1,080; and

(E) That modifying the base by recognizing the 27th pay in the current year is an *elective measure* of the legislative body and should not be construed as an action that is in response to any express expression of statute.

Section 2. That the salary of a First Class Patrol Officer is **unchanged** from the amount fixed in the most recently adopted and effective wage and salary ordinance, which is \$1,974 paid bi-weekly;

Section 3. That Town Council as legislative body does now choose to electively acknowledge the 27th payday falling within the current calendar year as basis sufficient to modify the base pay of a first class patrol officer salary, provided this is consistent with Indiana law;

Section 4. That for the purposes of calculating benefits under IC 36-8-6-9 and IC 36-8-8-11, the employee's contributions under IC 36-8-6-4 (a)(3) and IC 36-8-8-8(a), as well as calculating the employer's contributions under IC 36-8-8-6, the following provisions are hereby adopted:

(A) That the salary for a first class patrol officer for FY 2009 shall be calculated as \$54,378 which is comprised of the annualized calculation of the bi-weekly pay of \$1,974 and the Town's longevity benefit for 20 years of service which is a bi-weekly amount of \$40 annualized as \$1,080;

(B) That this *elective* modification shall only apply to the current fiscal year, 2009, and will no longer be in effect after December 31, 2009 at which time the benefits set forth under IC 36-8-6-9 and IC 36-8-8-11, the employee's contributions under IC 36-8-6-4 (a)(3) and IC 36-8-8-8(a), as well as calculating the employer's contributions under IC 36-8-8-6, shall be reduced, pursuant to the forgoing citations and IC 36-8-6-9 (b);

(C) That the multiplier to be used for determining the cost of living increase to the benefit calculated under IC 36-8-8-5-13, also known as the delayed retirement option plan, shall be 3.85%, effected by taking the current monthly benefit of a DROP beneficiary and multiplying it by 1.0385;

(D) That the Pension Secretary and the Metropolitan Police Chief shall identify the funding resources to support the objectives of this ordinance.

(E) That the Clerk-Treasurer and the Pension Secretary shall work cooperatively to calculate the benefits as modified by this ordinance.

Section 5. That the provisions set forth in this ordinance are contingent on and will not be of lawful force or effect unless there is available, prudent funding;

Section 6. That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

Section 7. (A) That an emergency exists for the immediate taking affect of this ordinance, which, subject to the provisions of this ordinance, shall become effective and shall remain in full force and effect from and after the date of its passage and adoption, pursuant to any effective dates herein described and until its repeal or amendment by subsequent enactment;

(B) That the Clerk-Treasurer shall have authority to implement within a reasonable time the changes in this ordinance.

Introduced and Filed on the 9th day of November 2009. Consideration on same day or at same meeting of introduction experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 9th Day of November 2009 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

5. **Resolution No. 2009-55:** A Resolution Ratifying and Concurring in the Final, Recorded Version of the Interlocal Cooperation Agreement for the Purchase and Utilization of Ethics training and Administration Services for Mutual Benefit and Approving the Third Amended Agreement.

Councilor Zemen moved the passage and adoption of Resolution No. 2009-55. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND, LAKE COUNTY, INDIANA
TOWN COUNCIL
RESOLUTION NO. 2009-55**

**A RESOLUTION RATIFYING AND CONCURRING IN THE FINAL, RECORDED VERSION OF THE
INTERLOCAL COOPERATION AGREEMENT FOR THE PURCHASE AND UTILIZATION OF ETHICS TRAINING
AND ADMINISTRATION SERVICES FOR MUTUAL BENEFIT AND APPROVING THE THIRD AMENDED
AGREEMENT**

Whereas, Indiana Code 36-1-7-1, et seq., allows local government entities to make the most efficient use of the powers by enabling them to mutually purchase and utilize equipment and supplies for the mutual benefit of each other;

Whereas, The City of Crown Point, the Town of Highland, the Town of Munster, the Town of Schererville, and the City of Whiting are signatories to An Interlocal Cooperation Agreement regarding Shared Ethics dated November 21, 2005 amended on October 22, 2007 and February 23, 2009;

Whereas, The political subdivisions that are signatories to the Interlocal Cooperation Agreement for Shared Ethics desire to *ratify* and concur in the version of the agreement that was adopted by Munster and recorded as the desired and intended version, in order to provide for the ability to better provide and utilize resources and services for the mutual benefit of the participating entities, and at a shared cost, particularly related to administration of shared ethical values;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL of the TOWN of HIGHLAND, LAKE COUNTY, INDIANA:

Section 1. That at its meeting of February 23, 2009, the Town Council of the Town of Highland passed and adopted the Third Amendment to the Interlocal Cooperation Agreement for Shared Ethics;

Section 2. That the version adopted by the Town of Munster, was the version of the agreement intended to be adopted by all the participating political subdivisions, and its version was the one recorded, pursuant to IC 36-1-7;

Section 3. That the version of Article 8 in the agreements adopted by several other participating communities inadvertently omitted provisions that were in the version adopted by the Town of Munster, and represented a desirable provision that previous versions of the agreement possessed; and

Section 4. That the Town Council of Highland now ratifies and concurs in the agreement as adopted by the Town of Munster, as filed and recorded and particularly the intended version of Article 8 of the interlocal cooperation agreement on ethics, attached as an exhibit to this resolution;

Section 5. That this Resolution shall take effect and be in full force and effect from and after its passage by the Town Council of the Town of Highland, Lake County, Indiana.

Duly passed, resolved and adopted by the Highland Town Council of the Town of Highland, Lake County, Indiana, this 9th Day of November 2009 by a vote of 5 in favor and 0 opposed.

**TOWN of HIGHLAND, LAKE COUNTY, INDIANA
By its Town Council:**

Dan Vassar, President

Attest:

**Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer**

Exhibit

Article 8 JBD ENTITY FISCAL ADMINISTRATION

- (A) The JBD shall name one participating entity to administer the JBD Fund. The proper duly elected Clerk-Treasurer of the named entity will have the duty to receive, disburse and to account for all monies of the fund pursuant to terms of this agreement. The JBD may elect to rotate the administration.
- (B) Authorized expenses. The proper duly elected Clerk-Treasurer is authorized to make payments from the Shared Ethics Institute Fund ("SEIF") upon formal approval by the Joint Board of Delegates ("JBD"). The proper duly elected Clerk-Treasurer is authorized to make payments from SEIF in advance of formal approval by the JBD for the following types of expenses:
 - (1) Property or services purchased or leased from:
 - (a) The United States government; or
 - (b) An agency or political subdivision of the United States Government; or
 - (c) The Government of the State of Indiana; or
 - (d) An agency or department or branch of the Government of the State of Indiana, including a body politic and corporate of the State.
 - (2) License fees or permit fees;
 - (3) Insurance premiums;
 - (4) Utility payments or utility connection charges;
 - (5) Federal grant programs if: advance funding is not prohibited; or the contracting party provides sufficient security for the amount advanced;
 - (6) Grants of state funds authorized by statute;
 - (7) Maintenance agreements or service agreements;
 - (8) Lease agreements or rental agreements;
 - (9) State, federal, or county taxes;
- (10) **The following additional expenses outlined in this section:**
 - (a) **Payments to such vendors or service providers, public or private, which have provided services or goods to the Ethics Entity, as approved by the proper body, provided the amount of the accounts payable voucher is not greater than \$6,000.**
 - (b) **Reimbursements to such officers or employees associated with the Ethics Entity which have provided services or goods to the Ethics Entity, as approved by the proper body, provided the amount of the accounts payable voucher is not greater than \$6,000.**
- (C) Voucher required. Each payment of expenses outlined in subdivision (B) of this Article must be supported by a fully itemized accounts payable voucher.

- (D) Timely review. The Joint Board of Delegates shall review and confirm the advance payments at board's next regular or special meeting following the pre-approved payment of the expense.
6. **Works Board Order No. 2009-35:** An Order, Approving and Authorizing the Fire Chief to Enter into a Purchase Agreement with Tom's RV Sales in Crawfordsville Indiana for a Polaris Ranger, pursuant to IC 5-22, §31.18(C) and § 31.19(B)(1)(b) of the Municipal Code, subject to the approval of an appropriation in the Special Public Safety Fund. At its meeting of October 26, 2009 the Town Council by general consent deferred action on this Works Board Order in order to review its identified funding source.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2009-35. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2009-35**

AN ORDER, APPROVING AND AUTHORIZING THE FIRE CHIEF TO ENTER INTO A PURCHASE AGREEMENT WITH TOM'S RV SALES IN CRAWFORDSVILLE INDIANA FOR A POLARIS RANGER, PURSUANT TO IC 5-22, §31.18(C) AND § 31.19(B)(1)(B) OF THE MUNICIPAL CODE.

Whereas, The Town of Highland Fire Department, as part of its public duties, has responsibility for fire suppression, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carryout the functions of the department;

Whereas, The Fire Chief, pursuant to §31.19(D)(4) of the Highland Municipal Code, serves as the Purchasing Agent for the Fire Department;

Whereas, The Purchasing Agent, pursuant to §31.20(F) of the Highland Municipal Code, expected that the purchase of the so-called "Gator-styled" Off road support vehicle, would be more than \$25,000 but not more than \$75,000 and invited quotes in accordance with §31.20(F) of the HMC; and

Whereas, The following quotes have been received:

	Unit Price:	Trade-In:	Net Price:
Tom's RV Sales: Crawfordsville, IN	\$ 10,913.00	\$ 0.00	\$ 10,913.00
Maxim Motor Sports Hobart, IN	\$ 14,590.00	\$ 0.00	\$ 14,590.00
Ruim John Deere: Lowell, IN	\$ 13,718.30	\$ 0.00	\$ 13,718.30

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(5) of the Highland Municipal Code serves as purchasing agency for the Fire Department;

Whereas, The purchase price exceeds \$10,000.00 and, pursuant to §31.18(C) and § 31.19(B)(1)(b) of the Highland Municipal Code, the purchasing agent requires the express approval of the purchasing agency to execute the purchase;

Whereas, The purchase will be supported by an appropriation in the *Special Public Safety Fund* and there is expected to be a sufficient appropriation in order to support the purchase; and

Whereas, The Town Council now desires to approve and authorize the Fire Chief to complete the purchase pursuant to the terms stated herein,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby finds and determines that the quote of *Tom's RV Sales* in the amount of Ten thousand, nine hundred thirteen dollars and no cents (\$10,913.00) is the lowest, most responsible, and responsive quote offering the lowest purchase cost, all pursuant to §31.20 of the Highland Municipal Code;

Section 2. That the Fire Chief is hereby directed and authorized to purchase One (1) Polaris Ranger, an Off Road Support Vehicle for the purchase price of \$10,913.00 from Tom's RV Sales, Crawfordsville, Indiana, subject to the approval of the proper appropriation in the *Special Public Safety Fund*;

Section 3. That the Fire Chief is hereby authorized to issue a purchase order to **Tom's RV Sales** and to execute all documents necessary to implement the purchase thereof, **subject to the approval of the proper appropriation in the Special Public Safety Fund;**

Section 4. That upon the approval of the proper appropriation, the Municipal Fiscal Officer is hereby authorized to expend moneys from the proper account of the **Special Public Safety Fund** in order to support and implement the purchase.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 9th day of November 2009 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of

HIGHLAND, INDIANA

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

7. Authorization for the proper officer to publish notice for an additional appropriation in the Special Public Safety Fund in the amount of \$14,000 and in the Select Centennial Fund in the amount of \$5,704. Councilor Herak moved that the proper officer be authorized to publish notice as indicated. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication was authorized.
8. Action to approve pay for (part-time) employee at higher than starting pay for the range of the position, pursuant to Section 2 (a) of Ordinance No. 1375 the Wage and Salary Ordinance, as amended.
(A) The Public Works Director requests favorable action to permit hiring a temporary worker at \$9 per hour, which position's pay range is \$7.25 to \$11.64 hourly.

Councilor Zemen moved to approve the paying the worker at the \$9 per hour rate instead of the lower starting pay. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The higher rate was approved.

9. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1375 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.
(A) The Police Chief requests favorable action for P. Vassar, who is an exempt salaried worker in the Metropolitan Police Dept.

Councilor Zemen moved to approve the overtime payments for Commander P. Vassar, an exempt salaried employee. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives, no negatives and one abstention. With Councilors, Zemen, Herak, Novak and Kuiper voting in the affirmative and Councilor President Vassar abstaining, citing his concern for appearances as the effected worker is his brother, the motion passed. The overtime payment was approved.

10. Action to approve senior citizen discount on monthly solid waste user charge, pursuant to Section §170.08 (B) of Chapter 170 of the Highland Municipal Code.
(A) The Clerk-Treasurer presented the request of *James Baccino* for favorable action to approve senior citizen discount on monthly solid waste user charge.

Councilor Kuiper moved to approve the application of Mr. James Baccino for the senior citizen discount. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The discount was granted.

11. Action to authorize a revised start time for the **November 16, 2009 Study Session** of 6:00 p.m. instead of 7:00 p.m.

Councilor Zemen moved that the standing (regular) study session of the Town Council scheduled for Monday, November 16, 2009 have a revised starting time of 6:00 p.m. instead of the usual 7:00 p.m. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The meeting start time was changed to 6:00 p.m. for November 16.

Comments from the Town Council Members (Good of the Order)

- **Councilor Bernie Zemen:** • *Redevelopment Commission Liaison • Plan Commission member • Chamber of Commerce Co-Liaison • Lake County Solid Waste Management District Board of Directors • President's designee to Selection Centennial Commission.*

Councilor Zemen commented favorably on the ceremony for the unveiling of the South Shore Highland Centennial Poster. Councilor Zemen also commended the how the public disposal of surplus personal property was conducted on November 7.

Councilor Zemen acknowledged the Redevelopment Director who reported that the Redevelopment Commission was sponsoring a lunch meeting with the owners of property in the Industrial Park on November 18, 2009 in order to establish communications and to explore the thoughts for the sites future. The Redevelopment Director further noted that meeting as a lunch meeting was being sponsored by NIPSCO.

Councilor Zemen reminded all that he would be welcoming Angela Clark, Director of Recreation, on his radio show on WJOB 1230 AM on Tuesday morning at 8:30 a.m.

- **Councilor Mark Herak:** • *Advisory Board of Zoning Appeals, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Councilor Herak reported that a Veteran's Day ceremony would be conducted on Wednesday, November 11, 2009 at 11:00 a.m. at the Highway of Flags Memorial.

Councilor Herak reported that the Santa's Parade March would take place on Saturday, November 28, 2009. The parade will be at 4:30 p.m. The event will take place following the lighting of the trees.

- **Councilor Brian Novak:** • *Town Board of Metropolitan Police Commissioners, Liaison • Traffic Safety Commission Member • Chamber of Commerce Co-Liaison.*

Councilor Novak congratulated the Volunteers in Police Services (VIPS) for its augmenting the trick or treat patrols.

Councilor Novak also recognized the Police Chief who reported that the free service of nixle.com was up and running and served as assort of reverse 911 service. It would not

call landlines but would send emails and texts to laptops and cell phones. Persons would need to register for it.

- **Councilor Konnie Kuiper:** *Fire Department Liaison • Park and Recreation Board, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper recognized the Fire Chief and commended the recent Fire Department for its assistance in mobilizing for the administration of 700 H1N1 (Swine Flu) vaccinations for school children.

- **Councilor Dan Vassar:** *• Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Board of Sanitary Commissioners.*

Council President Vassar sought clarification on the administration of H1N1. The vaccine was obtained through the Lake County Health Department. The schools being served by the Fire Department's assistance are Griffith, Highland, and Munster.

Councilor Vassar commended the Volunteers in Police Services (VIPS) for their assistance with the Trick or Treat safety and patrols. He further commended the editor of the Town newsletter, entitled the *Gazebo Express*.

It was further noted that the Advisory Board of Zoning Appeals would be convening a special meeting on November 11, 2009.

The Town Council President acknowledged the Public Works Director to report on the progress of the Kennedy Avenue Reconstruction Project. It was reported that the roadway would be open to four lanes before Thanksgiving,

Comments from the Public or Visitors.

1. Rick Volbrecht, 9221 Parkway Drive, Highland, expressed his interest in crime mapping. With leave from the Town Council, Mr. Volbrecht inquired of the Police Chief about the manner in which it is conducted if at all in Highland and whether or not the Town Council may be open to permitting private sponsorship to support crime mapping, noting it is expensive.

Payment of Accounts Payable Vouchers. There being no further comments from the public or visitors, Councilor Kuiper moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period October 27, 2009 through to November 09, 2009. Councilor Novak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the Clerk-Treasurer was authorized to make payment.

After the motion but before the vote, Councilor Herak inquired about an accounts payable voucher payable to Midwest Electric for repairs to downed street light poles. Councilor Herak inquired if action to be indemnified by the persons who collide with the poles could be pursued.

General Fund, \$349,711.44; Motor Vehicle Highway and Street (MVH) Fund, \$19,443.62; Local Road and Street (LRS) Fund, \$4,649.30; Law Enforcement Continuing Education and Training Fund, \$302.62; Flexible Savings Account (FSA) Agency Fund, \$1,195.76; Insurance Premium Fund, \$106,120.79; Gasoline Agency Fund, \$18,972.60; Information and Communications Technology Fund, \$5,810.88; Select Centennial Commission Fund,

\$1,250.00; **Rainy Day Fund**, \$3,476.40; **Municipal Cumulative Development Fund**, \$5,849.36; **General Improvement Fund**, \$20,818.70; **Traffic Violations Agency Fund**, 1,994.00; **Municipal Cumulative Street Fund**, \$135.00; **Gaming Revenue Sharing Fund**, \$66,968.00; **Payroll Fund**, \$14.44. **Total: \$606,712.91.**

Adjournment. Councilor Kuiper moved that the regular meeting be adjourned. Councilor Novak seconded. Upon a vote *viva voce*, the motion passed. The regular meeting of the Town Council of **Monday, November 09, 2009** was adjourned at 7:46 O'clock p.m.

No study session followed.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer